**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

Docket Number (Optional)

0260/US

Application Number

10/728,392

Applicant(s)

Stephen D. Fantone, et al.

Filing Date

12/5/2003

Group Art Unit

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----|-----------------|------|---------|-------|----------|-------------|----|
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OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

| | | |
|--|--|--|
| | | Shanker, T., (2001, December 1). "HOW IT WORKS: The Edge of Night", <u>The New York Times</u> , Section 6, Page 44, Column 1. (Downloaded text version enclosed) |
| | | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



0260/US

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: February 6, 2004

Signature: _____

Francis J. Caufield

Francis J. Caufield
Registration No. 27,425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------|----------------------------|-----------|
| Application No.: | 10/728,392 | Art Unit: |
| Filed: | December 5, 2003 | Examiner: |
| Inventor: | Stephen D. Fantone, et al. | |
| For: | NIGHT VISION APPARATUS | |

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING
OF FIRST OFFICE ACTION UNDER 37 CFR §1.97(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that the publications listed on the attached form PTO-1449 be made of record in this application because they may be relevant to the question of patentability of the claims during their examination.

Applicant requests that these publications be considered by the Examiner before issuance of the next office action. The Examiner is also asked to initial and return copies of the enclosed PTO-1449 form(s) to evidence such consideration.

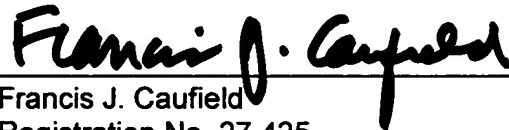
Application No. 10/728,392

In accordance with 37 CFR § 1.98(a), copies of the cited references are being supplied with this information disclosure statement.

Respectfully submitted,

February 6, 2004

Date



Francis J. Caufield

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FJC:pc
Enclosures

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

0260/US

In Re Application Of

FEB 09 2004

Stephen P. Fantone, et al.

Serial No.

10/728,392

Filing Date

December 5, 2003

Examiner

Group Art Unit

Title:

NIGHT VISION APPARATUS

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
0260/US

In Re Application: FEB 09 2004

Stephen D. Santone, et al.

Serial No.

10/728,392

Filing Date

December 5, 2003

Examiner

Group Art Unit

NIGHT VISION APPARATUS

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account 03-1150 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F: _____)

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on 2/6/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Francis J. Caufield

Signature of Person Mailing Correspondence

Francis J. Caufield

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Francis J. Caufield

Signature

Dated: February 6, 2004

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